

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PERRY O. MACKALL #378696,

Plaintiff,

Case No. 05-71393

v.

HONORABLE DENISE PAGE HOOD

WILLIAM ADAMS, et al.,

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation dated February 1, 2006. Neither party has filed objections to this Report.

Magistrate Judge Whalen recommended that the Court grant Defendant's Motion to Dismiss for Failure to Exhaust Administrative Remedies, and dismiss Plaintiff's Complaint without prejudice.

After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge R. Steven Whalen [**Docket No. 19, filed February 1, 2006**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Complaint [**Docket No. 2, filed April 11, 2005**]
is DISMISSED WITHOUT PREJUDICE.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: March 8, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record
on March 8, 2006, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager